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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 08-0828-MHP
	)	
Plaintiff,	)	
	)	<b>STIPULATION AND</b>
v.	)	<del><b>PROPOSED</b></del> <b>ORDER TO EXCLUDE</b>
	)	<b>TIME</b>
ALEX CHEUCK KIN YAN,	)	
	)	
Defendant.	)	

The parties in the above-titled case appeared before the Court for a status conference on January 5, 2009. For the following reasons and the reasons set forth in open court, the parties agree and stipulate that time is properly excluded under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(8)(A) and (h)(B)(iv) from January 5, 2009 to February 9, 2009. The parties agree that the continuance from January 5, 2009 to February 9, 2009 is necessary under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), to allow defense counsel reasonable time for effective preparation for the above-titled case and for continuity of counsel. Defense attorney needs the time to further review discovery, investigate the case, and speak with the defendant. Time is further excluded based on unavailability of the Court on an earlier date proposed by the parties. The parties agree that the ends of justice are served by granting the requested short

1 continuance, and the requested continuance outweighs the best interest of the public and the  
2 defendant in a speedy trial, taking into account the exercise of due diligence.

3  
4 DATED: January 5, 2009

5 /s/  
6 CHRISTINA HUA  
7 Assistant United States Attorney

8 DATED: January 5, 2009

9 /s/  
10 RITA BOSWORTH  
11 Counsel for Alex Cheuck Kin Yan

12 ORDER

13 For the foregoing reasons, the Court HEREBY ORDERS that the period between January 5,  
14 2009 to February 9, 2009 be excluded from the speedy trial calculation under Title 18, United  
15 States Code, Sections 3161(h)(8)(A) and (h)(B)(iv). The Court finds that the failure to grant the  
16 requested continuance would unreasonably deny defense counsel the reasonable time necessary  
17 for continuity and effective preparation of counsel, particularly given that defense counsel  
18 requires time to review discovery, further meet with the defendant, and investigate the case. The  
19 Court finds that the ends of justice served by granting the requested continuance outweigh the  
20 best interest of the public and the defendant in a speedy trial and in the prompt disposition of  
21 criminal cases.

22 IT IS SO ORDERED.

23 DATED: 1/6/2009

